

## COMPLAINT INVESTIGATION SUMMARY

**COMPLAINT NUMBER:** 1667.00  
**COMPLAINT INVESTIGATOR:** Jane Taylor-Holmes  
**DATE OF COMPLAINT:** December 19, 2000  
**DATE OF REPORT:** January 18, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** February 20, 2001

## COMPLAINT ISSUES:

Whether the Franklin Community School Corporation and the Johnson County Special Programs violated:

511 IAC 7-25-2 with regard to the school's alleged failure to identify a student who resides within the legal settlement of the public agency, is between the ages of three and twenty-two, and who is in need of special education and related services.

511 IAC 7-25-3(b) with regard to the school's alleged failure to implement its general education intervention procedures for a student whose classroom performance is adversely affecting the student's educational outcomes.

## FINDINGS OF FACT:

1. The Student is 15 years old and is a freshman at the School. The Student is eligible for services as a student with an other health impairment ("OHI").
2. On October 13, 2000, the Complainant hand delivered a signed letter (dated the same) to the Principal requesting that the Student be evaluated for special education and related services. On October 23, 2000, the Counselor reviewed the evaluation information with the Complainant, and the Complainant signed the permission portion of the *Referral for Psychoeducational Evaluation* form. The final evaluation component was completed by the School psychologist on December 6, 2000.
3. The Student's final grades for the eighth grade, which was the 1999-2000 school year, were as follows.

health/physical education	A
science	A-
family/consumer science	B
math	B-
social studies	B
language arts	C+

4. The first six-week grading period ended September 22, 2000, and the second six-week grading period ended November 3, 2000. The Student's grades for the first and second six-week grading periods of the 2000-01 school year are as follows:

	<u>first six weeks</u>	<u>second six weeks</u>
math skills	B	B
physical education	A	B
computers I	D-	B-
biology I	B	D
agriculture fundamentals	B	C
geography	C	B-
language	B-	D
algebra I	C-	F

Notes included next to the Student's algebra grades state, "Assignments poor or not at all." "Does not turn in homework." Notes next to the Student's agriculture fundamentals grades states, "Not working to potential."

5. The School was closed on October 26 and 27, 2000, for fall recess. Thanksgiving break was November 23 and 24, 2000. The winter break was from December 21, 2000, to January 2, 2001.
6. In a letter dated October 23, 2000, to the Principal, the Student's private psychologist (the "Psychologist") stated that he interviewed the Complainant on October 12, 2000, and then interviewed and independently evaluated the Student on October 18, 2000. The Psychologist also informed the Principal of the results of the Student's independent evaluation in his letter.
7. The results of the Psychologist's evaluation state that the Student "is experiencing an adjustment disorder with moderate depression and mild to moderate anxiety difficulties." According to the Psychologist, the main operative stressor for the emotional difficulties is the Student's declining academic performance this school year. The Psychologist stated in his report that the Student's "symptoms of inattentiveness and restlessness are not extreme enough to qualify him as having an attention deficit hyperactivity disorder, but they do seem to be causing him to underachieve in school this year." The Psychologist recommended that the Complainant consult with the School "concerning accommodations that might be made in [the Student's] school program to facilitate [the Student's] success." Further recommendations made were a psychiatric consultation for possible medications treatment and supportive counseling.
8. The Student was evaluated by an independent psychiatrist (the "Psychiatrist") on November 8, 2000. The results of the Psychiatrist's evaluation concluded that the "[Student's] depression is seen as secondary to his ADHD symptoms." Although the Psychiatrist included in the evaluation report his awareness of the educational evaluation being completed through the School, one of his recommendations was for the Student to "undergo a complete psychoeducational evaluation to rule out the possibility of coexisting learning weaknesses/disorders."
9. With regard to the Student's past psychiatric history, the Psychiatrist's report only states the following. "[Student] was recently evaluated by [independent psychologist]."
10. In a letter dated November 17, 2000, to the Principal, the Complainant referred to a meeting that the Complainant had with the Principal on September 18, 2000. The Complainant made reference to a discussion held at that meeting regarding "some of the academic problems [the Student] was having." The Complainant also informed the Principal that the Student had been independently evaluated by a psychologist on October 23 and 24, 2000, and that a report of that evaluation was forthcoming. The Complainant further informed the Principal that the Student had been independently evaluated by a psychiatrist on November 8, 2000, and that the local special education office had a copy of the report of that evaluation. The letter concluded with the Complainant's request for a copy of the School's general education intervention (the "GEI")

procedures.

11. In a letter dated November 27, 2000, the Complainant reiterated his earlier request of November 17, 2000, for a copy of the GEI procedures.
12. The Principal sent a letter dated November 27, 2000, to the Complainant, and attached a copy of the Student's GEI plan.
13. As of the date of this complaint, the Complainant has not received a copy of the School's GEI procedures.
14. The case conference committee (the "CCC") met on January 5, 2001, and determined that the Student was eligible for special education and related services as a student with an OHI.
15. The local director of special education (the "Director") reported that the Principal met with the Student's core subject (algebra, science, English, and computers) teachers (the "Core Teachers") on November 27, 2000, to discuss a GEI plan. The GEI plan was distributed to each Core Teacher and was implemented in the Student's core subject classes. The Principal did not implement interventions prior to the November 27, 2000 date due to the Student's success in his classes during the first six-week grading period. The Director concluded that the Principal did not distribute the GEI plan to the Student's teachers for remedial math, physical education, agriculture, or geography because the Principal's opinion was that GEI was not needed due to the Student's continued success in those classes.
16. On January 18, 2001, the assistant director of special education faxed copies of the following forms, stating, "Enclosed are the forms used at [the School] for GEI purposes." The forms received by the Division include: an *Intervention Strategies Documentation Form*; a *Student Assistance Referral Form*; an *Observational Checklist*; and a *Staff Referral Feedback Form*. The forms do not include any instruction, procedure, or timeline for School personnel to follow when completing.

#### **CONCLUSIONS:**

1. Findings of Fact #2, #3, and #4 indicate that the Complainant requested the educational evaluation during the second six-week grading period; however the Student's final grades from the 1999-2000 school year and the Student's grades from the first six-week grading period were not indicative that the Student was in need of special education and related services. Findings of Fact #5, #6, #7, #8, #9, #10, and #14 indicate that the Complainant also sought independent evaluations during the allowable sixty instructional day evaluation process, and the independent evaluations indicated that the Student had no previous history of learning or emotional difficulties that the School may have known about. No violation of 511 IAC 7-25-2 occurred.
2. Findings of Fact #2, #10, #11, #12, and #13 indicate that the Complainant referred the Student for an educational evaluation on October 13, 2000, and made two separate requests for a copy of the School's GEI procedures. Findings of Fact #15 and #16 indicate that a GEI plan was not in place for the Student until November 27, 2000, and based upon documentation submitted, the School's GEI procedures cannot be ascertained. Therefore, a violation of 511 IAC 7-25-3(b) occurred.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Franklin Community School Corporation and the Johnson County Special Programs shall:

1. develop GEI procedures to be maintained and implemented at the School level, for students whose classroom performance is adversely affecting educational outcomes. A specific timeline shall be included in the procedures for personnel to follow when parents request a copy of the GEI procedures. A copy of the GEI procedures shall be submitted to the Division no later than February 19, 2001.
2. conduct an inservice training with all professional personnel at the School regarding the GEI procedures. A copy of the inservice training agenda, in addition to a sign-in sheet by name and title of all attendees, shall be submitted to the Division no later than February 19, 2001.